



United States District Court
Chambers of Hon. Harold Baer, Jr.
500 Pearl Street
New York, NY 10007

May 7, 2008
RECEIVED
MAY 6 2008
HAROLD BAER
U.S. DISTRICT JUDGE
S.D.N.Y.

Attn: Linda Eckhouse

Re: Adonna Frometa v. Mario E. Diaz & All American Haulers & Recycling
Date of Loss: 2/14/2007
Our File No: SP07-001

Dear Ms. Eckhouse,

This office represents Plaintiff Adonna Frometa in the above named matter. Kindly accept this correspondence in response to defendant's letter faxed to my office today (copy attached hereto). In a phone conversation today I was advised by Mr. Miller that his office intends on taking seven hours deposition of my expert in this matter Dr. Kincaid (email sent to Mr. Miller confirming this conversation is attached hereto). Pursuant to Your Honor's decision the depositions of treating physicians and experts in this matter were limited to two hours. Therefore, I would like to bring these defendants' non compliance with prior Court Orders to Your Honor's attention.

I am deeply sorry to have to burden the Court with this letter, however the defendants in this case are bringing new issues every day, even though most of them were already decided by Your Honor's prior decisions.

Should this application require personal appearance, Plaintiff is ready to submit this application at any time convenient to Court.

Very truly yours,

SLAWEK W. PLATTA, PLLC


Slawek W. Platta, Esq. (SP2699)

CC:

Wilson Elser Moskowitz, Edelman & Dicker, LLP

The defendants deposition of Dr. Kincaid in compliance with prior Court orders is being held for 2 hours - at the end of this hearing I will accuse yourself.


Harold Baer, Jr., U.S.D.J.

SLAWEK W. PLATTA, PLLC • 42 BROADWAY, SUITE 1927 • NEW YORK, NY 10004

Date: 5/8/08

Endorsement: The defendants' deposition of Dr. Kincaid in conformity with prior rulings will last no more than 2 hours – at the end of which you may excuse yourself and Dr. Kincaid.